



"The City With a Heart"

Larry Franzella, Mayor  
Irene O'Connell, Vice Mayor  
Rico E. Medina, Councilmember  
Jim Ruane, Councilmember  
Ken Ibarra, Councilmember

## MINUTES

### CITY COUNCIL REGULAR MEETING

May 13, 2008

7:00 p.m.

**1. CALL TO ORDER: THIS IS TO CERTIFY THAT** The San Bruno City Council met in regular session on May 13, 2008 at the San Bruno Senior Center, 1555 Crystal Springs Road. The meeting was called to order at 7:00 p.m.

**Mayor Franzella** thanked the San Bruno Garden Club for the beautiful flower arrangement.

**2. ROLL CALL/PLEDGE OF ALLEGIANCE:** Presiding was Mayor Franzella with Vice Mayor O'Connell and Councilmembers Ruane, Medina and Ibarra in attendance. Recording by Deputy City Clerk Hasha. **Deputy City Clerk Hasha** led the Pledge of Allegiance.

#### **3. ANNOUNCEMENTS:**

**Mayor Franzella** announced the 68<sup>th</sup> Annual Posy Parade, sponsored by the San Bruno Lions Club, to be held on Sunday, June 1, 2008 at 12:00 p.m. **Councilmember Ibarra** who is also Chairman of this event added, this year's theme is "Peace Around the World" and he looks forward to seeing lots of kids participate. For more information contact the City Clerk's office.

#### **4. PRESENTATIONS:**

**Mayor Franzella** presented **Chief of Police Telford** with a Proclamation for National Police Week May 11-17, 2008. **Telford** stated Thursday, May 15<sup>th</sup> is National Peace Officer Memorial Day, the 181 officers who lost their lives in the line of duty in 2007, will be honored in Washington D.C., nine of those in California. He then told of activities the previous Saturday, when Police Day was held at Tanforan. He closed by saying how proud he is of the dedication and hard work of the San Bruno Police Department and on behalf of them, thanked the Mayor and Council for the proclamation.

**5. REVIEW OF AGENDA:** **Mayor Franzella** moved Item 11, the Annual Report of the Parks and Recreation Commission, to follow Item 8, Public Hearings.

**6. APPROVAL OF MINUTES:** Regular Council Meeting of April 22, 2008, approved as submitted.

**7. CONSENT CALENDAR:** All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by a Councilmember, citizen or staff.

- a. **Approve:** Payroll of April 18, 2008 and May 2, 2008.
- b. **Approve:** Accounts Payable of April 14, 21 and 28 2008.
- c. **Approve:** Reconciliation of General Ledger and Investment Report for March 31, 2008.
- d. **Approve:** Request from the Lion's Club for \$2,000 to Support Costs for the Posy Parade.
- e. **Waive:** Second Reading and Adopt Ordinance Temporarily Suspending Liability of Airport Parking Facilities for a Portion of the Airport Parking Facilities Tax Provided for by San Bruno Municipal Code 3.16.180.

f. **Adopt:** Resolution Amending the City of San Bruno Classification Plan by Adopting Position Descriptions and Salary Ranges for Administrative Services Director, Community Services Director, and Public Services Director Positions.

**Councilmember Medina** requested that Item 7.f., be pulled.

**M/S Ruane/Medina** to approve remainder of Consent Calendar, passed by a unanimous vote.

**Item 7.f.: Councilmember Medina** asked to remove the portion of the job description for the Administrative Services Director, stating in the absence of the City Manager, the person in this position would serve in the capacity of City Manager. A section of the San Bruno Municipal Code, states the City Council by resolution shall approve a list of qualified people that could serve in this role. He felt future situations would be better served in this manner.

**M/S Medina/Ibarra** to approve Item 7.f. passed with all ayes.

## **8. PUBLIC HEARINGS (Notices have been published, posted and mailed):**

a. Hold Public Hearing, Waive First Reading, and Introduce an Ordinance Repealing Chapter 10.28 of the San Bruno Municipal Code and Adding a New Chapter 10.28 Regulating Holders of State Video Franchises Pursuant to the Digital Infrastructure and Video Competition Act (DIVCA).

**City Attorney Thompson** explained, the state enacted a law making itself the sole franchising authority for video systems; our current Municipal Code says the City is that authority so is no longer relevant. The proposed ordinance sets forth the limited regulatory power that the City is allowed pursuant to state law. She then outlined the essential features of the proposed ordinance.

**Councilmember Ibarra** asked which fund the Franchise Fees go into, **Finance Director O'Leary** answered that they go into the General Fund.

**Mayor Franzella** opened the Public Hearing.

**Robert Riechel, 7<sup>th</sup> Ave.**, asked how rapidly graffiti would be removed from the boxes. **Mayor Franzella** replied AT&T has assured the City of its commitment to be prompt in graffiti removal, hopefully we won't have occasion to find out.

**M/S Medina/Ibarra** to close the Public Hearing passed with all ayes.

**M/S Ibarra/Ruane** to waive the first reading and passed with all ayes.

**Councilmember Ibarra** introduced the ordinance for adoption, passed by a vote of all ayes.

b. Hold Public Hearing, Waive First Reading, and Introduce Ordinance Imposing a 4.52% Rate Increase Requested by San Bruno Garbage Company for 2008-09 to be Effective July 1, 2008, as Presented in the Notice of Proposed Increase Mailed to All Property Owners.

**Finance Director O'Leary** explained that San Bruno Garbage is entitled to a rate adjustment annually based on either a detailed rate analysis every third year or interim rate adjustment in other years. In accordance with the Franchise Agreement, 2008 is a detailed rate review year and the analysis has been completed. All affected property owners were notified by mail on March 28<sup>th</sup>, the notice included the proposed rate adjustment, details of tonight's Public Hearing and process for protesting the adjustment. He then explained the fine points of the analysis used to arrive at the proposed 4.52% rate increase and also the attributes of the adjustment, three of them resulting in the rate increase being lower than it could have been and as it has been for the last several years. The

single greatest factor impacting the rates is the cost increase of gas and diesel used by the garbage company. Three protests were received and provided to Council to review in their deliberation.

**Mayor Franzella** opened the Public Hearing. No one wished to address the Council.

**M/S Medina/Ibarra** to close the Public Hearing passed with all ayes.

**Councilmember Ibarra** asked how this rate compares with our neighboring municipalities. **Mario Puccinelli General Manager of San Bruno Garbage** responded the following comparisons were used, Pacifica is \$30.19, Millbrae \$21.66 and their rate year ends December 31<sup>st</sup> so they will have a new rate January 1, 2009, South San Francisco \$21.80, which is identical to San Bruno if this adjustment is approved. **Councilmember Medina** asked about the increase in their fuel costs. **Puccinelli** stated that they have seen an increase of 51% since April 2007, 29% just since December. **Councilmember O'Connell** had a concern from a resident regarding overflowing cans and wanted to know what the procedure for this is. **Puccinelli** said the bin has to be excessively overflowing onto the ground, for the first and second offense the garbage is collected but the bin is tagged, the third time they are charged \$11.00 per bag. In closing he reminded this week is "Clean Your Files Week", and encouraged San Bruno residents to do so and recycle the paper. **O'Leary** added that the new rate for excess disposal would be \$11.25.

**M/S Ruane/Ibarra** to waive the first reading passed with all ayes.

**Councilmember Ruane** introduced the ordinance for adoption, passed by a vote of all ayes.

## **11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:**

Receive Annual Report from Parks and Recreation Commission (**moved to follow Item 8.**)

**Lucy Zamattia, Chair, Parks & Recreation Commission** made a brief introduction of Commission members. Followed by **Vice Chair Laura Davis** and **Member Lorry Greenberg** then **Chair Zamattia** again, who gave reports of activities and goals of the various Commission Ad-Hoc Committees. **Councilmember Ibarra** recently attended a meeting; he complimented the Commission for their work and expressed his appreciation. **Mayor Franzella** also thanked them and commended them for the outreach they have done in the community to make these achievements. He noted that one of their objectives, establishing a Memorial Policy, is the next item on the agenda.

## **9. CONDUCT OF BUSINESS:**

a. Receive and Consider Approval of Draft policy for Naming of City Facilities, Individual Memorial Recognition of Community Service, Group or Organization Recognition of Community Service and Community Tribute Program Recommended by the Parks and Recreation Commission.

**City Manager Jackson** explained the intent is to recognize and pay tribute to individuals in the community who have provided services contributing to the betterment of San Bruno. **Consultant Bill Frisbie** gave an overview of the process used to develop the policy and it's details. There are three levels of recognition, the first is for naming a facility after someone, and they must be deceased for one year, had served the community for 25 years and be nominated by at least two organizations. It suggests a Council vote of four-fifths be required for passage because this level is a permanent and significant measure. The second being for people who have served the community for 15 years, the third level is for those who are still alive. Council direction is needed to determine which tribute method should be used in the second and third levels. At that time the Commission will collaborate with the Culture and Arts Commission to meet the City's artistic needs. There are currently quite a

few memorial benches, so other possibilities presented were a walk of fame, a wall of fame using inscribed pavers, a memorial grove of trees with a central registry of recipients and donors.

**Vice Mayor O'Connell** thanked them for the hard work and acknowledged it is an emotional situation. She said the first level criteria of being nominated by two organizations may be difficult to accomplish in some cases when the person has served but is not known to those outside of that scope, she asked that it be reduced to one San Bruno Organization and said she is opposed to pavers, they are not as respected as other monuments and has seen them with gum on them.

**Councilmember Ibarra** recently walked in the park and feels there are enough benches and trees with memorial plaques, but agrees our community icons must be recognized we just have to employ a new method, he is in favor of a grove with a low profile monument of plaques. He is also opposed to pavers and prefers to walk up to something and admire it.

**Councilmember Medina** is also opposed to pavers, would like to see something that maintains its elegance and beauty for decades to come. He thanked the commission for their patience through this process. He is conflicted about the criteria stating someone must be deceased, he can see the merits in waiting until someone is deceased but also in honoring them when they are still with us.

**Councilmember Ruane** concurred that pavers were not appropriate, but instead would like to see a memorial grove or canopy of trees with a central recognition point for names to be added. Extraordinary individuals should be recognized and the time lines are guidelines and not set in stone.

**Mayor Franzella** likes the idea of a memorial grove but it shouldn't be limited to City Park, in South San Francisco there is a list of trees available in several parks for memorializing someone. We could have a well-documented program administered by a department where trees could be planted throughout the city with a central location for names and the program should be accessible to people outside the city as well. He is in favor of doing a wall rather than pavers and that a four-fifths vote is appropriate for naming a facility after someone. He asked that staff bring this back to Council as a city wide policy where rooms or anything else in a city owned facility could be included and not limited to the park. He thanked the Commission for their hard work and the great job they did.

**Councilmember O'Connell** added that she would like to see a booklet in the Library or page on the City Website where more information could be found about the people memorialized, so people could know and appreciate what the person did and are not just seeing a name on a plaque.

a. Receive Report and Provide Direction to Staff Regarding an Ordinance Repealing and Adding New Chapter 5.16 Regarding Procedures for Regulating and Abating Graffiti.

**City Attorney Thompson** reviewed the staff report referencing the March 25<sup>th</sup> meeting where Council suggested changes to regulating and abating graffiti and asked for direction on the following items: 1) retailers be required to keep graffiti implements from being accessible, requiring them to post warning signs; 2) whether to continue to require commercial owners to reimburse the City for abatement costs; 3) whether four days abatement timeframe is acceptable; and 4) whether or not to provide an appeal from the City Manager's decision whether a property needs to be abated

**Councilmember Ruane** said yes to the first two items, four days is far too long, he did not believe an appeal should be available and the sooner the better. **Thompson** said when the Community Development Department seeks a consent agreement from a commercial owner; they really don't do it because of the cost. There could be a lag and Council needed to decide whether to get consent from the owner or get the money. She suggested a compromise, the first three times (for commercial owners), the City will take care of it, the fourth time they need to step up and not

only agree to remove the graffiti and pay for it but other measures. **Councilmember Ruane** was open to the compromise but stated on the fourth offense they would automatically be on the list.

**Robert Riechel, 7<sup>th</sup> Avenue**, said he was uncomfortable for a person renting or leasing being responsible for the cost of graffiti abatement. He asked about the reasoning/legality of a property owner spending up to 10% of the value of his property to take anti-graffiti measures. **Thompson** said she believed it was important to include renters or anyone in custody of the property. She said the 10% on the graffiti-prone structures; it doesn't say the City is going to compel an owner to spend up to 10%, but what it does indicate is requiring certain actions to be taken to prevent graffiti.

**Carolyn Livengood, Sheryl Dr.**, said on a previous committee, she had seen fliers from other Cities where graffiti was mandated to be removed within 72 hours, effectively. She said anti-graffiti paint should be used and graffiti should be removed immediately. **Thompson** said four days provides for all property owners to consent, if that consent is given, the graffiti can come down as fast as Community Development can get someone out there to do it.

**Mayor Franzella** asked about the City picking up the tab for residential, under federal guidelines being one to four units, and what do we do regarding condos, under federal guidelines being one unit? **Thompson** said she would find out. **Councilmember Ibarra** asked for the distinction on exempting residential? **Thompson** said this was going back and looking at the findings adopted from the first time around when Council recognized vandalism is a crime and residential owners are not as well positioned as a commercial establishment to pick up the cost.

**Councilmember Medina** heard from citizens who contacted the City's graffiti hot line and the response has been fast. He commented other agencies within the City have not reacted as fast. Once this ordinance is passed, he offered to articulate to these agencies the City's expectations. He said on the four questions asked, he would say yes on the first two items, appealing to the Manager is far enough, he didn't feel it should go to Council; ultimately he felt get rid of the graffiti.

**Councilmember Ibarra** said he felt the graffiti hot line works great – 616-7141. He said he believed the graffiti needs to come down as soon as possible. He said the owners are victims and they need to be educated that we want to help them out but we can't do it all.

**Thompson** said in respect to the commercial buildings, the ordinance could be continued as is but then indicate by resolution the Council could allow for the owners not to be charged subject to periodic review or a compromise approach for three times. She asked for guidance. **Mayor Franzella** said the compromise of three could be used in the ordinance. **Vice Mayor O'Connell** said she had a problem with the three because of a business on Sylvan, which is hit weekly. She said maybe there should be more flexibility such as a resolution. **Thompson** said for a period of time there would not be a cost but there would be an evaluation. She said the Community Development Director was in the process of identifying the top ten locations, which are hit, and they will be looking at preventive measures for these locations. **Vice Mayor O'Connell** said, as a City, we don't have permission from some of these owners to abate graffiti.

c. Receive Report and Provide Direction to Staff Regarding Management, Use, and Operations of the City's Carlton Corners Building Located at 299 Carlton Avenue.

**Vice Mayor O'Connell** recused herself from this item.

**City Manager Jackson** explained that this item is the result of a request made by the Carlton Corners Association to terminate their lease with the City, which has been in affect since 1974. The building has been used primarily as a meeting location for a variety of community organization

activities, the Carlton Corners Association is a small group of San Bruno residents who oversee the day to day responsibilities of clean-up, maintenance gardening and landscaping and private party rentals. The goal has been to raise sufficient funds to support the buildings operating costs. Although most community organizations use the building at no charge.

At Council's request, staff has reviewed alternatives for future use of this property. It is recommended the City take over operations and management of the building, and it no longer be used for private party rentals, but instead as an expansion of recreational, senior citizens and library activities that do not create noise problems or parking demands, because it is situated in a residential neighborhood and off-site parking is limited. Fees for community organizations could be consistent with those charged for use of small meeting rooms in the Veterans Memorial Building or at the Council's discretion community organizations may use it a no charge.

The Girl Scouts of Northern California have proposed that they enter into a lease with the City and that the lease be similar to the one that was recently terminated in which the Lessee would be responsible for minor repairs, maintenance and operational costs of the facility and the City be responsible for the larger structural repairs and maintenance of the building. It is also recommended a one-year lease allowing opportunity for review and monitoring of the lease initially to ensure a workable long-term arrangement before considering renewal or extension and that Council direct staff to enter into negotiations for an updated current modern type of lease.

**Mayor Franzella** asked if the prior leases were 30-day cancelable, and if it applied to both parties. **City Manager Jackson** said is not defined but by other points in the lease you could make the assumption.

**Michelle Luster, Girl Scouts**, the Scout House provides the opportunity for the girls to provide service to their community, they look forward to making improvements to the house for the neighborhood and community. If there is no place for the girls to meet then there is no Girl Scout Troop and if there is no troop it is very hard to be a part of Girl Scouts.

**Mayor Franzella** asked if other groups be able to use the facility. **Luster** answered yes, absolutely. **Mayor Franzella** then asked if she thought it was necessary to have the facility available for private functions in the evenings. **Luster** felt that this would be along the same lines as what the existing association did to gather funds for the maintenance of the facility; this allows the budget break even. **Mayor Franzella** mentioned there is however a concern with the neighbors being bothered by the noise. He is in favor of trying a one-year lease, we're not interested in grabbing it away we just want a trouble free managed facility.

**Councilmember Medina** wanted to make sure that it would remain a polling place.

**City Manager Jackson** cautioned we should review procedural issues regarding the City entering into a lease with a single organization without making it available to other organizations. **Mayor Franzella** agreed it is a public facility and we may not have the right to proceed in this transaction without advertising to all community groups that this facility is available for lease.

**M/S Franzella/Medina** to pursue a one-year, thirty-day cancelable lease, outlining the uses and that staff determine if we can in fact offer this to one entity without putting it out in a general open contract bidding process. Passed by a vote of all ayes.

d. Adopt Resolution Amending Master Fee Schedule to Approve Concession Stand Fees.

**Recreation Services Manager Brewer** gave an overview of the cost and revenue analysis that was done to prepare this amendment. The goal is to reduce fees charged to non-profit groups who

operate the Concession Stand for fundraising purposes. This will assist the groups in being more successful and at the same time cover the City's operating costs for the stand.

**Mayor Franzella** thanked **Brewer** for the excellent job of accomplishing the Council wishes to get the fees reasonable but make sure the costs are being recovered.

**Councilmember Medina** asked if the past/current users would be notified? **Brewer** said all the groups who use the stand have been contacted. **Councilmember Ibarra** added the fees have been cut-in-half, a little more than half.

**Councilmember Ruane** introduced the resolution for adoption, passed by a unanimous vote.

e. Adopt Resolution Amending Cable Television Services and Rates for Basic Cable, Bulk Accounts, Canales Pack, High Speed Internet, Pay-Per-View Services, and Authorizing the Addition of Seasonal Sports Subscription Packs Effective July 1, 2008.

**Cable Director Gyaltsen** gave an outline of the staff report asked for Council's adoption.

**Councilmember Ruane** introduced the resolution for adoption, passed with a unanimous vote.

f. Confirm Dates for Budget Study Sessions to Review FY 2008-09 Operating and Capital Budgets.

**City Manager Jackson** confirmed Council's availability for two dates, June 11th and 18th. **Mayor Franzella** asked the location and **Jackson** said the preference was the Senior Center. **Mayor Franzella** confirmed all would be available.

g. Adopt Resolution Authorizing the City Manager to Enter into a Contract with Boris Koodrin in the Amount of \$25,000 for Artist Services to Paint a Mural and Adopt Resolution Authorizing the City Manager to Enter into a Contract with Jennan Beers and Marianne Bland of Murals Ink in the Amount of \$27,000 for Artist Services to Paint a Mural.

**Interim Librarian Director Alita** reviewed the staff report and asked the resolution be adopted.

**Councilmember Medina** said there was a discrepancy in one of the contracts of \$2,000. **Alita** said he believed that to be a typographical error.

**Councilmember Ibarra** asked if the fence at the site was the \$2,000 expended. **Alita** said originally there was an estimate; the additional is the actual cost of services.

**Councilmember Medina** confirmed there was anti-graffiti resistance or precautions taken. **Alita** confirmed.

**Councilmember Ruane** introduced the resolution to enter into a contract with Boris Koodrin and passed with a unanimous vote.

**Councilmember Ruane** introduced the resolution to enter into a contract with Murals Ink and passed with a unanimous vote.

h. Adopt Resolution Approving Installation of Two New STOP Signs at the Southernmost Intersection of DeSoto Way and Santa Lucia Avenue at the Santa Lucia Avenue Leg and at the Southern DeSoto Way Leg of the Intersection.

**Engineer Davis** reviewed the staff report and asked for questions.

**Councilmember Ibarra** asked if it could all be one piece and look as if it was built back in the subdivision. **Davis** said from staff's point of view, it also creates a drainage problem. **Mayor Franzella** agreed and said if it could be done 100% and not affect the drainage it would be good.

**Mayor Franzella** introduced the resolution for adoption, passed by a unanimous vote.

j. Adopt Resolution Authorizing the City Manager to Award Contract for Sole Source Purchase of Hydro-Engineering Hose Reel System to Allied Packing & Supply Co., in the Amount of \$51,166.

**Finance Director O'Leary** gave an overview of the staff report and asked for questions.

**Councilmember Ruane** introduced the resolution for adoption, passed with a unanimous vote.

#### **10. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:**

**Linda Abbey, Adeline Dr., Burlingame**, asked spraying be stopped and non-toxic materials be used for the light brown apple moth. Speaking for her mother, **Lina Rossi, Crestmoor Dr.**, wrote a letter expressing her concern for the effects from the spraying of toxics. **Abbey** presented a list of 100 people who were opposed to the spraying.

**Jennifer Rossi, Crestmoor Dr.**, asked for a resolution prohibiting aerial spraying of toxic materials.

**Janice Werner, Daly City**, asked Council form a resolution to prohibit all spraying.

**Sharon Lewis, Crespi Dr., Pacifica**, asked for a resolution to stop the aerial spraying.

**Glenn Chase, Pacific Ave., Santa Cruz** shared his experiences from test questionnaires conducted on people who believed they got sick from the aerial spraying.

**Lori Cioffi, Morrissey Avenue, Santa Cruz**, shared her experiences from being sprayed.

**Councilmember Ruane** said he has been following this with Robert Riechel of the Mosquito Abatement Representative he said there are too many unknowns in this whole situation. He asked staff to prepare a resolution. Mayor Franzella asked if this could come back at the next meeting.

#### **11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:**

Receive Annual Report from Parks and Recreation Commission (moved to follow Item 8).

#### **12. COMMENTS FROM COUNCIL MEMBERS:**

**Councilmember Ibarra** said Enrique Sanchez; resident of Shelter Creek who was legally blind passed away a couple of weeks ago. He struck his interest when campaigning because he brought to his attention the lack of a streetlight at San Bruno Avenue/Shelter Creek and Crestmoor was so necessary. He wanted him to know this streetlight will be going in.

#### **13. CLOSED SESSION:**

**Mayor Franzella** announced they would be going into closed session at the end of the meeting with no reportable items.

a. Conference with Legal Counsel to Provide Direction Regarding Existing Litigation in Theresa Gilmore v. City of San Bruno, Superior Court Case No. CIV 461419 (Cal. Gov't Code 54956.9(a)).



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b. Conference with Legal Counsel to Provide Direction Regarding Existing Litigation in Santa Ana King, Superior Court Case No. CIV 469817 (Cal. Gov't Code 54956.9(a)).

c. Closed Session for Purpose of City Attorney Performance Evaluation. (Gov't Code Section 54957).

**14. ADJOURNMENT:**

The next regular City Council Meeting will be held on May 27, at 7:00 pm, at the Senior Center, 1555 Crystal Springs Road, San Bruno.

**14. ADJOURNMENT:** Mayor Franzella asked for a moment of silence in memory of Don Risso, former Mayor and Councilmember. There being no further business to transact, the meeting concluded at 9:42 p.m. The next City Council Meeting will be held on May 27, 2008 at 7:00 p.m. at the City Hall, 567 El Camino Real, San Bruno, CA.

Respectfully submitted for approval  
at the regular City Council Meeting of  
May 27, 2008

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Vicky Hasha, Deputy City Clerk

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Larry Franzella, Mayor